



## Planning and Zoning

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September 16, 2021

Broadlands Association Inc.  
21907 Claiborne Parkway  
Ashburn, VA 20148-4535

Dear Property Owner:

This letter is to provide you courtesy notice that the Department of Finance and Budget requested a zoning determination pertaining to the use of cash contributions received by the County from the developer of ZMAP-1995-0003, Broadlands S 22, toward a County Capital Improvement Program Project. Attached is a copy of the form response from Proffer Management and the related attachments. This letter requires no action on your part.

Please contact the planner listed on the attached form to obtain additional information.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Capps".

Stephanie Capps  
Department of Planning and Zoning

cc: file – ZCOR-2021-0154

**Determination Request- Use  
of Cash Proffer/Condition  
Funds**

This form is used to request a determination of whether the use of a cash contribution for a Capital Improvement Program Project is

appropriate.

Date\* 7/16/2021

Name\* Sandy Hayes

Email\* sandra.hayes@loudoun.gov

Department\* Finance and Budget

Capital Project Name\* DS Group Residence - Eastern Loudoun

GL Project Number C02201  
Grade C Number

Amount Requested 108,848.66

Sequence Number\* 96063102

CIP Project Planning Subarea ☒ Ashburn ☐ Dulles  
☐ Leesburg ☐ Northwest  
☐ Potomac ☐ Route 7 West  
☐ Route 15 North ☐ Route 15 South  
☐ Southwest ☐ Sterling

CIP Project Location\* PIN: 056197511

CIP Project Description\* (?) This project provides funding for the design and construction of a single level house in eastern Loudoun to serve four to five clients and provides staff office space in the dwelling.

Additional Information DS Group Residence – Eastern Loudoun.docx 88.42KB

**Response From Proffer Management**

Date\* 09/16/2021

Planner Name\* Conatser, Yvonne

Planner Email\* Yvonne.Conatser@loudoun.gov

Application Number(s) ZCPA-1994-0005/ZMAP-1995-0003

Application Name Broadlands South

Application Approval September 6, 1995  
Date

Proffer/Condition III.H.21  
Approval Number(s)

Proffer/Condition ZCPA-1994-0005 Approved Proffers Proffer  
Approval Text III.H.21.pdf 18.9KB

Determination Summary Use of this funding for this project is appropriate.

Determination Proffer III.H.21, provides for a cash contribution "to be used at the County's discretion for human service related capital facilities improvements such as, but not limited to, libraries, senior centers and group homes." The proposed DS Group Residence – Eastern Loudoun, a residential group home to be operated for or by the Department of Mental Health, Substance Abuse, and Developmental Services, includes the design and construction of a single level house in eastern Loudoun County to serve four or five clients and provide staff office space in the dwelling. The proposed human services project is identified in the Approved FY 2022 Capital Improvement Program (CIP) Budget and is planned to be located on the above-referenced parcel. Capital facilities contributions are used by the County to fund the development of capital facilities located in the same Planning Subarea as the approved zoning concept plan amendment/zoning map amendment application. The future group residence and Broadlands South are both located in the Ashburn Planning Subarea. Therefore, it is appropriate to use the balance and future contributions in this account for the identified CIP project. Pursuant to this proffer, \$493,556.29 has been collected and the current balance is \$108,848.66. The status of this proffer is "Partial Fulfillment."

Additional  
Supporting  
Documents

If determination request is approved, please be advised that the requested funds may be eligible for use on other County projects and final appropriation of funds shall be as directed by the Board of Supervisors.

Appeal Language • Proffer Condition

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist as of the date of this letter and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty (30) days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the Code of Virginia. This decision is final and unappealable if not appealed within 30 days. An application packet and additional information regarding the filing of an appeal to the Board of Supervisors may be obtained by contacting the Department of Planning and Zoning by phone at 703-777-0246, by email at [dpz@loudoun.gov](mailto:dpz@loudoun.gov), or by visiting the Proffer Management website at [www.loudoun.gov/proffers](http://www.loudoun.gov/proffers). Two copies of the completed appeal application must be submitted to the Department of Planning and Zoning, including the \$350.00 appeal fee, within 30 days from the date of this letter.

Property Owner  
Information

Broadlands Association Inc.  
21907 Claiborne Parkway  
Ashburn, Virginia 20148-4535

**BROADLANDS  
AND  
BROADLANDS SOUTH**

**Zoning Concept Plan Amendment  
ZCPA 1994-0005**

**Zoning Map Amendment Petition  
ZMAP 1995-0003**

**PROFFER STATEMENT**  
July 20, 1995

ATTACHMENT 6

## **BROADLANDS SOUTH**

Pursuant to Section 15.1-491 (a), Code of Virginia (1950), as amended, and Section 540 of the Loudoun County Zoning Ordinance, 1972, Broadlands Associates, a Virginia General Partnership, the sole owner of the property known as Tax Map 78, Parcels 26, 27 (part) and 28A ("Broadlands South" or the "Property"), and Applicant ("Developer") for Zoning Concept Plan Amendment Application ZCPA 1994-0005 and Zoning Map Amendment Petition ZMAP 1995-0003, on behalf of itself and its successors in interest, hereby voluntarily proffers that the development of the Property subject to ZCPA 1994-0005 and ZMAP 1995-0003 will be in substantial conformance with the proffers as set forth below.

All proffers made herein are contingent upon the approval of ZCPA 1994-0005 and ZMAP 1995-0003. These proffers, if accepted, supersede and replace all other or previous proffers and development conditions existing on the Property.

### **I. LAND USE CONCEPT PLAN**

1. (a) Developer proffers that all development will be in substantial conformance with the Concept Plan (Exhibit A - dated November 14, 1994 and revised through July 5, 1995), the Broadlands South Transportation Phasing Plan (Exhibit F and the Revised Amended Development and Density Tables (Exhibit G, which describe the ultimate development of Broadlands South. All Sections referred to in these proffers are depicted on the Broadlands and Broadlands South Section and Block Plan (Exhibit A - Sheet 4).

(b) Broadlands South shall not exceed (a) 1,465 dwelling units, exclusive of the affordable housing component (set out in Proffer #20), including 662 single family detached, 503 townhouse and 300 multi-family units, and (b) 1,673,679 square feet of commercial development, including 1,515,940 square feet of office and 157,739 square feet of retail uses.

### **II. WATER AND SEWER**

2. The Property shall be served by public water and sewer systems in compliance with the Loudoun County Sanitation Authority's ("LCSA") Statement of Policy, Rates, Rules and Regulations and Design Standards. All water and sewer extensions and connections to Broadlands South shall be provided at no expense to Loudoun County and LCSA. The Developer shall provide access to surrounding properties for connection to on-site water and sewer lines in coordination with and as deemed appropriate by LCSA.

the Developer. "Economic loss" for sale units means that result when the Developer fails to recoup the cost of construction, exclusive of the cost of land, on-site sales commissions and marketing expense.

(c) The affordable townhouse and garden apartment units shall be dispersed within the townhouse and garden apartment land bays and distributed to provide (i) five (5) townhouse units in each of three (3) different sections of townhouse developments within Broadlands South, and (ii) fifteen (15) garden apartment units within the multifamily development portions of Broadlands South. The affordable units shall be built at a pro rata rate with construction of the market townhouse and garden apartment units within the respective land bays. For a period of 20 years from the date of issuance of the occupancy permit for each building or unit, each of such units located therein shall be offered to (i) individuals whose household income is equal to or less than 60% of the median household income by a method agreed upon by the Developer and the County, and (ii) thereafter to any other persons. The owner shall submit a written report to the County on an annual basis, for said 20-year period, showing compliance with this proffer. Maintenance of the affordability shall be accomplished via methods agreed upon by the Developer and the County. This proffer shall not be interpreted so as to cause the owner to discriminate against any prospective tenants on an unlawful basis.

(d) Developer shall provide a cash contribution of \$143.00 per residential dwelling unit, exclusive of the 30 affordable units, at the time of the issuance of zoning permits, to be used in a County Affordable Housing Program. Said contribution shall escalate on a yearly basis from January 1, 1992, changing effective each January 1 thereafter based on the CPI.

(e) When making application for zoning permits for approved site plans or record subdivisions which include affordable housing units, the Developer shall submit a copy of the approved site plan or record plat identifying the specific affordable housing units.

#### **H. Human Services**

21. Developer shall provide a cash contribution of \$214.50 per residential dwelling unit, exclusive of the thirty (30) affordable units, at the time of issuance of zoning permits to be used at the County's discretion for human service related capital facilities improvements such as, but not limited to, libraries, senior centers and group homes. Said contribution shall escalate on a yearly basis from January 1, 1992, and changing effective each January 1 thereafter based on the CPI.